IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 13TH DECEMBER 2007 / 22ND AGRAHAYANA 1929

RP.No. 1184 of 2007(V)

AGAINST THE JUDGEMENT IN WPC.22441/2007 Dated 10/10/2007

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PETITIONER/FIRST RESPONDENT:

THE SECRETARY,
HOUSING CO-OPERATIVE SOCIETY NO.A.335,
CHERTHALA, ALAPPUZHA DISTRICT.

BY ADV. SRI.P.MANOJ (KALAVELI)
SRI.SHAIJU ANTONY

RESPONDENTS/PETITIONERS AND RESPONDENTS 2 TO 5:

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1. K. DEVAKI AMMA, AGED 78,
W/O. PARAMESWARAN, VALLEVELI, CMC-21,
CHERTHALA P.O., CHERTHALA, ALAPPUZHA DISTRICT.

2. V.P. MURALEEDHARAN, AGED 52,
S/O. PARAMESWARAN, VALLEVELI, CMC-21,
CHERTHALA P.O., CHERTHALA, ALAPPUZHA DISTRICT.

3. V.P. MANOHARAN, AGED 46,
S/O. PARAMESWARAN, VALLEVELI, CMC-21,
CHERTHALA P.O., CHERTHALA, ALAPPUZHA DISTRICT.

4. V.P. JAGADEESAN, AGED 44,
S/O. PARAMESWARAN, VALLEVELI, CMC-21,
CHERTHALA P.O., CHERTHALA, ALAPPUZHA DISTRICT.

5. THE SENIOR INSPECTOR OF CO-OPERATIVE
SOCIETY, ARBITRATOR-CUM-SPECIAL SALE OFFICER,
KERALA STAE CO-OPERATIVE HOUSING FEDERATION,KALOOR
KOCHI, ERNAKULAM DISTRICT.

6. THE JOINT REGISTRAR (GENERAL),
OFFICE OF THE CO-OPERATIVE JOINT REGISTRAR,
ALAPPUZHA.

7. THE TAHSILDAR,
CHERTHALA, ALAPPUZHA DISTRICT.

8. THE STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY THROUGH THE
GOVERNMENT PLEADER, HIGH COURT OF KERALA.

BY ADV. SRI.K.RAMANATHAN
BY GOVT. PLEADER SRI. P. BENJAMIN PAUL.

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 13/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.M.JOSEPH, J.

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R.P. 1184/2007 in WP.(C) No.22441/2007

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Dated this the 13th day of December, 2007

ORDER

This court had, by judgment under review, taken note of the submission made by the respondents that the Bank will reduce the amount by 25%, if the petitioners remit the balance amount by 31.10.2007. The petitioners' preparedness to avail the concession is also taken note of. The writ petition was disposed of with a direction that the respondent Bank will realise only 75% of the amount due from the petitioners on condition that the petitioners remit 75% on or before 31.10.2007.

2. In the review petition, what is stated is that the judgment was passed due to an inadvertent omission on the part of the petitioner in the review petition to bring to the notice of the court regarding the concession of 25% being limited to interest and penal interest alone and no concession is given to the principal amount. Petitioner has produced Annexure A Circular dated 21.7.2005. Therein, the concession is provided in respect of interest and penal interest in respect of persons, who pay the amount in one lump sum.

3. I heard learned counsel for the writ petitioners also.

4. It would appear that the petitioner is correct in submitting that the submission made by the counsel was only an inadvertent omission, in that, under the Circular, which was the basis of making the submission, the concession is limited to interest and penal interest and the Circular does not contemplate reduction in principal. In such circumstances, I feel that it would be in the interests of justice that the judgment be recalled, and the writ petition be heard.

Accordingly, I allow the review petition and direct that the writ petition be posted for hearing.

(K.M. JOSEPH, JUDGE)

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